

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN FRANCISCO BAY REGION**

CEASE AND DESIST ORDER NO. R2-2008-0029

**REQUIRING NOVATO SANITARY DISTRICT
TO UPGRADE ITS WASTEWATER TREATMENT FACILITY**

WHEREAS the California Regional Water Quality Control Board, San Francisco Bay Region (hereinafter “Regional Water Board”), finds that:

1. The Novato Sanitary District (hereinafter “Discharger”) owns and operates the Novato and Ignacio wastewater treatment plants and one combined effluent discharge outfall to San Pablo Bay. The plants collect sanitary waste from a primarily residential service area serving the City of Novato and adjacent areas with a current population of about 60,000.
2. The Novato plant has an average dry weather flow (ADWF) design capacity of 4.53 million gallons per day (mgd) and the Ignacio plant has an ADWF design capacity of 2.02 mgd, for a total of 6.55 mgd. The Discharger presently discharges a total annual ADWF of 5.4 mgd, about 82% of the design capacity.
3. The Discharger is currently implementing significant capital improvements that include construction of major new wastewater treatment facilities. These facilities are being installed to address the aging infrastructure, to accommodate limited future service area growth, to consolidate operations at the Novato plant, and to comply with all effluent limitations. A new transfer pump station and conveyance force main are being installed to convey flow currently being treated at the Ignacio plant to the Novato plant instead. The Novato plant is undergoing a major overhaul with the installation of new headworks, a new influent pump station, two new primary clarifiers, two new aeration basins, two new secondary clarifiers, an ultraviolet disinfection facility, a new effluent pump station, a new gravity belt thickener, a second digester, new odor control facilities, and new electrical facilities. The Discharger intends to decommission the Ignacio plant once these new facilities at the Novato plant are complete.
4. NPDES Permit No. CA0037958 (Regional Water Board Order No. R2-2004-0093, as amended by Order No. R2-2008-0026) regulates the discharge of effluent from the Novato and Ignacio plants.
5. NPDES Permit No. CA0037958 contains the effluent limitations listed in Table 1, below.
6. The Discharger cannot currently comply with the effluent limits listed in Table 1. An analysis of the Discharger’s effluent data shows that the maximum effluent copper concentration of 21 µg/L is greater than any of the copper limits, including the alternate limits derived from site-specific objectives not yet in effect. Similarly, the 95th percentile of

Table 1: Effluent Limits in Permit

Parameter	Limits		Alternate Limits*	
	AMEL (µg/L)	MDEL (µg/L)	AMEL (µg/L)	MDEL (µg/L)
Copper	12	17	9.4	14
Cyanide	1.1	2.4	6.8	15

*The alternate limits will become effective if and only if site-specific objectives adopted by the Regional Water Board but not yet approved by the U.S. Environmental Protection Agency become effective.

the effluent data (16 µg/L) exceeds the AMELs, and the 99th percentile of the effluent data (19 µg/L) exceeds the MDELs. Likewise, the data analysis shows that the 95th percentile of the cyanide effluent data (5.9 µg/L) exceeds the cyanide AMEL of 1.1 µg/L, and the 99th percentile (7.1 µg/L) exceeds the MDEL of 2.4 µg/L. The Discharger will be able to comply with the alternate cyanide limits if and when they become effective.

7. Water Code § 13301 authorizes the Regional Water Board to issue a Cease and Desist Order when it finds that a waste discharge is taking place, or threatening to take place, in violation of Regional Water Board requirements.
8. Because the Discharger will violate or threatens to violate required effluent limits, this Order is necessary to ensure that the Discharger achieves compliance. This Order establishes a time schedule for the Discharger to complete necessary facility upgrades to address its imminent and threatened violations. These facility upgrades are expected to result in the Discharger's ability to comply with all effluent limits in NPDES Permit No. CA0037958.
9. The time schedule is intended to be as short as possible; however, it accounts for uncertainty in determining exactly when facility upgrades can be completed. It is based on reasonably expected times needed to implement each required action. The Regional Water Board may wish to revisit these assumptions as more information becomes available.
10. As part of the time schedule to achieve compliance, this Order requires the Discharger to comply with interim effluent limits. These interim limits are intended to ensure that the Discharger maintains at least its existing performance while completing all tasks required during the time schedule. The interim limits are the same as those in place before Order No. 2008-0026 amended Order No. R2-2004-0093.
11. This Order is an enforcement action and, as such, is exempt from the provisions of the California Environmental Quality Act (Public Resources Code § 21000 et seq.) in accordance with 14 CCR § 15321.
12. The Regional Water Board notified the Discharger and interested persons of its intent to consider adoption of this Cease and Desist Order, and provided an opportunity to submit written comments and appear at a public hearing. The Regional Water Board, in a public hearing, heard and considered all comments.

IT IS HEREBY ORDERED, in accordance with Water Code § 13300, that the Discharger shall comply with the following provisions:

1. Prescribed Actions. The Discharger shall comply with the required actions in Table 2 in accordance with the time schedule provided therein to comply with applicable effluent limits. Deliverables listed in Table 2 shall be acceptable to the Executive Officer, who will review them for adequacy and compliance with the Table 2 requirements.

Table 2. Time Schedule and Prescribed Actions

Action	Deadline
a. Comply with the following interim effluent limit at E-002 when there is no discharge from Ignacio plant or at E-003 when discharging from both the Ignacio and Novato plants: <i>Copper: Interim maximum daily effluent limit = 19 µg/L</i> <i>Cyanide: Interim maximum daily effluent limit = 9.2 µg/L</i>	Upon the effective date of this Order
b. Document and certify complete construction of Novato plant headworks, one primary clarifier, odor control facilities, and electrical facilities.	June 30, 2009
c. Document and certify complete construction of Novato plant aeration basins and one secondary clarifier.	June 30, 2010
d. Document and certify complete construction of Novato plant influent pump station, second primary and secondary clarifiers, UV disinfection, gravity belt thickener, and second digester.	December 31, 2010
e. Document and certify completion of all facility upgrades, place upgrades into operation, and comply with final effluent limits of NPDES Permit No. CA0037958.	June 30, 2011

2. Reporting Delays. If the Discharger is delayed, interrupted, or prevented from meeting one or more deadlines of the time schedule in Table 2 due to circumstances beyond its reasonable control, the Discharger shall promptly notify the Executive Officer, provide the reasons and justification for the delay, and propose a time schedule for resolving the delay.
3. Consequences of Non-Compliance. If the Discharger fails to comply with the provisions of this Order, the Executive Officer is authorized to take further enforcement action or to request the Attorney General to take appropriate actions against the Discharger in accordance with Water Code §§ 13331, 13350, 13385, and 13386. Such actions may include injunctive and civil remedies, if appropriate, or the issuance of an Administrative Civil Liability Complaint for Regional Water Board consideration.
4. Effective Date. This Order shall become effective upon Regional Water Board adoption.

I, Bruce H. Wolfe, Executive Officer, do hereby certify the foregoing is a full, true, and correct copy of an Order adopted by the California Regional Water Quality Control Board, San Francisco Bay Region, on May 14, 2008.

BRUCE H. WOLFE
Executive Officer